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DOCKET NO.: PH-7094-A (BMS-0875)
Application No.: 09/990,138
Notice of Allowance Dated: January 14, 2004

MAR 29 2004
OFFICE OF PETITIONS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Paul J. Gilligan, et al

Confirmation No.: **2310**

Application No.: **09/990,138**

Group Art Unit: **1624**

Filing Date: **November 21, 2001**

Examiner: **Ford, John M.**

For: **PYRAZOLOTRIAZINES AS CRF ANTAGONISTS**

EXPRESS MAIL LABEL NO: EL 999293457 US
DATE OF DEPOSIT: March 25, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR RECONSIDERATION OF USPTO'S PATENT TERM
ADJUSTMENT DETERMINATION**

Applicants hereby respectfully request reconsideration of the Patent Term Adjustment Determination of **(0) days** made by the U.S. Patent and Trademark Office (USPTO), as provided by 35 U.S.C. § 154(b)(3)(B)(ii). This request is being submitted concurrent with payment of the Issue Fee, and includes the requisite \$200.00 fee.

Applicants respectfully assert that the instant application is entitled to **29 days** of Patent Term Adjustment, for the following reasons.

On Monday, May 19, 2003, Applicants submitted an amendment responsive to a non-final Office Action dated December 18, 2002, by Express Mail. A return postcard from the USPTO was subsequently received, confirming receipt of the amendment in the USPTO on May 19, 2003, a copy is enclosed herewith. Under 35 U.S.C. § 154(b)(1)(A)(ii), the USPTO was required to respond to this amendment within 4 months.

The USPTO did not initially respond to the amendment. Instead, a Notice of Abandonment was issued on August 8, 2003, alleging Applicants' failure to respond to the Office Action dated December 18, 2002.

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The Notice of Abandonment was received by Applicants' undersigned representative on August 25, 2003. The following day, on August 26, 2003, a Petition to Withdraw Abandonment was filed in the USPTO by Express Mail. A return postcard from the USPTO was subsequently received, showing receipt of the Petition in the USPTO on August 26, 2003, a copy is enclosed herewith. In the Petition, Applicants stated that a response to the Office Action dated December 18, 2002 had been timely filed, complete with requisite fees for a two-month extension of time, and included copies of the amendment submitted on May 19, 2003, the amendment transmittal, cancelled check #124692, the Express Mail label, and the return postcard from the PTO to verify receipt of the amendment by the USPTO.

Applicants' Petition for Withdrawal of Abandonment was approved, and a Notice of Rescinded Abandonment was mailed on November 26, 2003. The Patent Application Information Retrieval (PAIR) system indicates that the file was forwarded to the Examiner for consideration of the previously filed amendment on January 9, 2004.

On January 14, 2004, in response to the amendment originally filed on May 19, 2004, a Notice of Allowance was issued.

35 U.S.C. § 154(b)(1)(A) states that the term of the patent shall be extended 1 day for each day after the end of the four month period set forth in 35 U.S.C. § 154(b)(1)(A)(ii). 35 U.S.C. § 154(b)(2)(C) states that this period of adjustment shall be reduced by a period equal to any periods of time in excess of three months that are taken to respond to an office action.

Applicants submitted an amendment sufficient to overcome all rejections and place the application in condition for allowance on May 19, 2003. Accordingly, Applicants respectfully submit that a Notice of Allowance should have issued within four months of their submission, or no later than September 19, 2003. The Notice of Allowance was not mailed until January 14, 2004, however, a delay of 117 days. None of this delay was due to inaction on Applicants' part.

Applicant's original response to the Office Action dated December 18, 2002 was filed on May 19, 2003, a total of 62 days beyond the three month due date. Additionally, two previous delays in responding to Office Actions had occurred, each for a period of 13 days. Thus, the 117 days of adjustment to which the patent would otherwise be entitled may be reduced by a total of 88 days (62 + 13 + 13), leaving the patent entitled to a Patent Term Adjustment of **29 days**.

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CONCLUSION

Since the patent that is to issue on the instant application is **not** subject to a Terminal Disclaimer, Applicants respectfully request that the patent be accorded the full **29 days** of Patent Term Adjustment to which it is entitled.

Dated: March 25, 2004



S. Maurice Valla
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Facsimile: (215) 568-3439

3-26-04 PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with the fee(s), to: **Mail**

Mail Stop ISSUE FEE
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P.O. Box 1450
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(703) 746-4000

MAR 25 2004

MAR 29 2004

or Fax

INSTRUCTIONS: This form should be used for transmitting the **ISSUE FEE** and **PUBLICATION FEE** (if required). Blocks 1 through 4 should be completed where appropriate. Further correspondence including payment of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

23914 7590 01/14/2004

STEPHEN B. DAVIS
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON, NJ 08543

CERTIFICATE OF MAILING

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service to Mail Stop Issue Fee on the date indicated below via Express Mail Label: EL 999293457 US

S. Maurice Valla	(Depositor's name)
<i>S. Maurice Valla</i>	(Signature)
March 25, 2004	(Date)

EL999293457US

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,138	11/21/2001	Paul J. Gilligan	PH-7094-A (BMS-0875)	2310

TITLE OF INVENTION: PYRAZOLOTRIAZINES AS CRF ANTAGONISTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	04/14/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
FORD, JOHN M	1624	514-246000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Monte R. Browder

2 Shah R. Makujina

3 Woodcock Washburn LLP

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Bristol-Myers Squibb Pharma Company **Princeton, New Jersey**

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☒ Publication Fee
- ☒ Advance Order - # of Copies 10

4b. Payment of Fee(s):

- ☒ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 50-2030 (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

S. Maurice Valla Reg. No. 43,966

(Authorized Signature) <i>S. Maurice Valla</i>	(Date) March 25, 2004
NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.	
This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.	
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01 FC:1501	1330.00 OP
02 FC:1504	300.00 OP
03 FC:8001	30.00 OP

TRANSMIT THIS FORM WITH FEE(S)

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Paper: Reply Transmittal Letter (in duplicate) including a request for a two-month extension of time, with Express Mail sticker; Reply Pursuant to 37 CFR § 1.111 with Express Mail number; Supplemental Information Disclosure Statement, with Express Mail number; Form PTO-1449; check in the amount of \$590.00 [which includes the \$180.00 fee for filing the Information Disclosure Statement; and which includes the \$410.00 fee for the two-month extension of time]; return postcard; all via Express Mail number EV 251286841 US.

Applicant(s): Paul J. Gilligan, et al.
Title: PYRAZOLOTRIAZINES AS CRF ANTAGONISTS
Application No.: 09/990,138
Filed: November 21, 2001
Docket No.: PH-7094-A (BMS-0875)
Date Sent: May 19, 2003
Sent By: Miller/Cherry/Valla/Barksdale



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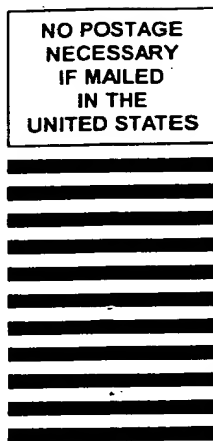
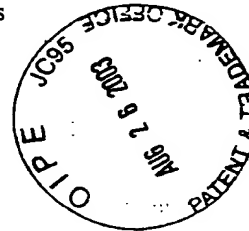
Woodcock Washburn





Paper: Petition to Withdraw Abandonment; Copy of PTO stamped Post Card;
Copy of Express Mail Label; Copy of Cancelled Check # 124692; Copy of
Response filed May 19, 2003 consisting of a Reply-Transmittal Letter; Reply
Pursuant to 37 CFR § 1.111 and Supplemental Information Disclosure Statement
with 4 pages of 1449s; \$130.00 check for Petition Fee and return post card all via
Express Mail EV 325639044 US.

Applicant(s): Gilligan, et al.
Title: Pyrazolotriazines As CRF Antagonists
Application No.: 09/990,138
Filed: November 21, 2001
Docket No.: BMS-0875
Date Sent: August 26, 2003
Sent By: SEM/DAC/SMV/Dwilkinson



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